



Mozambique

Country Reports on Human Rights Practices - [2003](#)

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Mozambique is a republic with a constitutional Government, headed by President Joaquim Chissano who was reelected in 1999 in generally free and fair elections that were marred by some irregularities that did not impact the results. The Front for the Liberation of Mozambique (FRELIMO) won 133 seats in the 250-seat National Assembly, and the opposition coalition of the Mozambique National Resistance-Electoral Union (RENAMO-UE) won the remaining 117 seats. FRELIMO, which has ruled the country since independence in 1975, dominated policymaking and implementation. During legislative sessions, the National Assembly influenced the executive branch on some policy issues, and RENAMO had some limited influence on the executive. On November 19, the country held its second municipal elections, in which FRELIMO won in 28 of 33 municipalities; there was no violence, and the elections were considered generally free and fair. The Constitution provides for an independent judiciary; however, the executive branch dominated the courts, which lacked adequate resources, were chronically understaffed, susceptible to corruption, and largely ineffectual.

The forces responsible for internal security under the Ministry of Interior include: The Criminal Investigation Police (PIC), the Mozambican National Police (PRM), and the Rapid Intervention Force (FIR). The State Information and Security Service (SISE) reported directly to the President. The military, which is responsible for both internal and external security, continued to suffer from lack of funds and a long-term strategy. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. The political opposition claimed that the FIR operated in support of the ruling party. Members of the security forces committed serious human rights abuses.

The country is very poor; its population was an estimated 17 million. Approximately 80 percent of the workforce were employed in agriculture, mostly on a subsistence level, and approximately 75 percent of the population lived in poverty. Food insecurity continued in many regions due to poor climactic conditions. The economy was market-based, and the government budget remained heavily dependent on foreign aid. GDP growth for 2002 was approximately 8 percent. Annual per capita income was estimated at \$230 in 2002. High unemployment and underemployment in the formal and informal sectors continued. Corruption continued to be a problem in the public and private sectors; however, on October 16, the National Assembly passed the Anti-Corruption Law, which aims to curb corruption in government offices, the police force, hospitals, and schools.

The Government's human rights record remained poor; although there were some improvements in several areas, serious problems remained. Police continued to commit numerous abuses, including unlawful killings, beatings in custody, and arbitrary arrests and detentions. Prison conditions remained extremely harsh and life threatening; several prisoners died due to the harsh conditions. Despite efforts to clear long-standing case backlogs, prison overcrowding was widespread and lengthy pretrial detention was common. The Government generally respected freedom of the press; however, members of the ruling party influenced news coverage by media outlets owned by the Government and state enterprises. There were several incidents of press detention and intimidation. Police used excessive force during labor-related demonstrations. Both the Government and the law imposed some limits on freedom of association. The Government at times infringed on freedom of movement. Domestic violence against women, as well as widespread discrimination against women in employment and property rights, remained significant problems. The abuse and criminal exploitation of street children, including child prostitution, continued in urban areas. Discrimination against persons with disabilities and child labor remained problems. The Government ratified ILO Convention 182 on the Worst Forms of Child Labor. There were confirmed reports that women and children were trafficked to South Africa, which received increased government attention during the year.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by security forces during the year; however, there continued to be reports of unlawful killings by security forces. A report released in August by the League of Human Rights (LDH) alleged that from 2000 to 2002, the police continued to harbor "squadrons of death" that were responsible for summary executions and operated with impunity. The report cites activities in the Maputo suburbs of Matola Rio, Boane, and Costa do Sol in the southern part of the country. The LDH also reported that the "Buffalo Battalion", a group of former secret police operatives, continued to commit unlawful killings, primarily of suspected criminals.

On November 1, police shot to death Estevao Muinga, Justino Mate, Francisco Cintura, and Antonio Bene, who had been detained in a police station in the suburb of Liberdade, in the southern city of Matola. The police informed LDH that the four died in an abortive escape attempt; however, the police told relatives of the victims that they were shot while trying to raid a shop in Maputo.

Police killed persons during demonstrations and protests during the year (see Sections 2.b. and 6.b.).

Jose Fumo, a police officer who in 2002 opened fire on youths who were arguing and killed Mario Alfredo, was expelled from the police force and was serving a prison sentence at year's end.

Progress has been very slow in the investigation into the 2001 killing of the Banco Austral manager Antonio Siba-Siba Macuacua. The Government appointed Siba-Siba to revive Banco Austral, and he began to reduce the workforce and to attempt recover loans made predominantly to members of the ruling elite. Press reports have linked high-level government officials and their family members to the killing, including the President's son. In June, a suspect was detained and subsequently released for lack of evidence. By year's end, no charges had been filed in the case.

No action was taken, nor was any likely, against members of the security forces responsible for the February 2002 police killing of A. Matusse and the September 2002 police shooting of Antonio Maquiqui.

There were no known developments at year's end in police officer Bernardo Parafino's killing of Gildo Gerente in February 2002. Parafino was detained and charged with murder in 2002.

There were no developments, nor were any expected, in the 2001 killings by security forces.

Extremely harsh prison conditions, often leading to serious illness, continued to result in the deaths of several persons in custody (see Section 1.c.).

In March, a group of lawyers visiting Mogovolas district prison in the northern province of Nampula found that on February 15, a drunken guard had transferred three inmates to a smaller cell, where they died of suffocation. No reported action was taken against the guard by year's end.

The Government continued to refuse to reveal publicly the names of the more than 100 detainees in Montepuez who reportedly died of asphyxiation in 2000, preventing victims' relatives from seeking compensation.

The Government continued to cooperate with international organizations in demining efforts during the year to remove the hundreds of thousands of mines planted between 1960 and 1990. According to the National Demining Institute (IND), over 229 persons were killed in landmine accidents between 1997 and 2002. IND recorded 5 deaths resulting from landmine accidents during the year, although IND believes the figure may not be accurate due to their difficulty in gathering data nationwide.

Occasional mob and vigilante killings continued in both urban and rural areas due to general public frustration with the rising incidence of crime. During the year, unconfirmed reports of mob violence resulting in the deaths of suspected criminals were widespread throughout the country.

b. Disappearance

There were no reports of politically motivated disappearances; however, criminal suspects disappeared during the year and were believed to be victims of the "Buffalo Battalion" (see Section 1.a.).

In September, in Sofala province, there were press reports that armed RENAMO members in military uniforms harassed and kidnapped members of FRELIMO; RENAMO officials denied the reports.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution expressly prohibits such practices; however, police continued to commit serious abuses, and torture, beatings, death threats, physical and mental abuse, and extortion remained problems. During the year, the LDH reported complaints of torture, including several instances involving the sexual abuse of women, beating, illegal detention, and death threats. The LDH reported in 2002 that the number of reported abuses continued to decline.

Police used excessive force when dispersing demonstrations during the year (see Section 2.b.).

There were reports that police abused prostitutes and street children (see Section 5).

Prison conditions were extremely harsh and life threatening. Two National Directorates of Prisons (DNPs), one under the Ministry of Justice (MOJ) and the other under the Ministry of Interior (MOI), operated prisons in all provincial capitals. The DNPs also held prisoners at an agricultural penitentiary in Mabalane and industrial penitentiaries in Nampula and Maputo. Most prisoners received only one meal per day, consisting of beans and flour. It has been customary for families to bring food to prisoners; however, there were occasional reports that guards demanded bribes in return for allowing the delivery of food to the prisoners.

Prison facilities remained severely overcrowded, generally housing two to six times the number of prisoners that they were built to accommodate. In 2001, the National Association for the Support and Protection of Prisoners (ANASCOPRI), a domestic non-governmental organization (NGO), surveyed the country's prisons and found that, among others, Beira Central Prison held 705 inmates in a prison built to hold 400, Nampula held 724 in a prison built for 100; and Maputo Central Prison, built to hold 800 inmates, held 2,450 inmates. However, the Maputo Machava Maximum Security Prison, with a capacity of 600, held considerably less than that. Approximately 7,180 detainees were held in jails and prisons administered by the Ministry of Justice during the year.

There continued to be many deaths in prison, the vast majority due to illness and disease; however, some prisoners reportedly died from poisoning during the year. A group of lawyers visiting Maputo's top security prison in 2002 received complaints from inmates of serious health problems and abuse of their rights. The inmates complained about lack of medical health care and delays in transferring the sick to the hospital, which had led to the death of at least two inmates in 2002. The lawyers also found that most of the 600 men in the prison were unable to pay for a lawyer. There were reports that detainees spent longer in pre-trial detention than the sentence they received. In June, members of the National Assembly's Legal Affairs Committee reported that four detainees were being held for more than 4 years and another four for more than 5 years without their detention ever having been formalized. The parliamentary committee also found that 33 inmates were being held illegally for periods in excess of 2 months and that they had never been brought before a magistrate, which must occur within 48 hours, according to the law.

In May, Maputo city judicial authorities began holding marathon trials at the central prison and the top security prison to reduce overcrowding and prolonged pre-trial detentions. Cases selected were those involving minor offenses and those in which the investigative detention period had expired; over 20 cases were tried daily. By year's end, the prison population at Maputo central prison reportedly had decreased from 2,600 to 1,800 inmates.

MOI and MOJ facilities, while separate, often were connected physically. Military and civilian prisoners were held in the same prisons.

Women were held in separate areas of prisons from men. Prisons occasionally housed young children, usually infants, brought there by mothers sentenced for long periods; the children were allowed to stay with their mothers when no other caregivers were available. A visit conducted in September 2002 by a group of lawyers found that babies and persons with mental disabilities were included among the 400 inmates of the Beira Central Prison. The Penal Process Code contains legal guidelines for the judicial treatment of minors and forbids the imprisonment of minors below the age of 16; however, there were documented reports that some judges ordered the incarceration of minors in common prisons without trial and that minors under the age of 16 were housed with adults in the general population. In most areas, it is difficult to accurately assess age because the information was not well

documented and many persons do not have identification cards. There were fewer reports of minors held in detention than in previous years. According to a study by the MOJ and the U.N. Development Program (UNDP) in 2001, approximately 3 percent of prisoners were between the ages of 13 and 15, and more than 39 percent of prisoners were between the ages of 16 and 20.

In MOI facilities, detainees who had not yet been charged were held with prisoners sentenced for serious offenses that specify maximum security. In MOJ facilities, detainees who had been charged but not yet tried were held with prisoners who had been tried and sentenced to prison for relatively minor cases where moderate security imprisonment was deemed sufficient. Pretrial detainees usually were held for several months before trial, and delays of more than 1 year were common.

International as well as domestic human rights groups may have access to prisoners at the discretion of the MOJ and MOI; however, officials sometimes cited unsanitary conditions or security risks as reasons to delay or cancel visits. During the year, the LDH visited several jails and prisons in the Maputo area and in the provinces. During the year, the National Assembly's Legal Affairs Committee and a group of local lawyers conducted separate visits to prisons in Beira and Maputo. In a March address to Parliament, the Attorney General stated that prison conditions--including overcrowding, poor hygiene and disease--had not improved in 2002.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that the duration of investigative detention be set by law; however, in practice, the police continued to arbitrarily arrest and detain citizens.

The police were poorly paid and lacked professionalism. Corruption extended throughout the ranks, and police used violence and detention to intimidate persons from reporting abuses. Police reportedly extorted money from street vendors, many of whom were widowed or divorced women, sometimes beating the women and stealing their merchandise. The investigative unit of the police, the PIC, was often criticized for impeding criminal investigations.

The national budget allocated more funding for the hiring and training of police, as well as for higher salaries, and a police academy provided training for new police officers. Human rights groups such as the DHD also have provided human rights training; however, the process was interrupted during the year due to administrative problems within DHD.

Security officials often detained persons for spurious reasons and demanded identification documents; many officers also extorted bribes to permit persons to continue their travel (see Section 2.d.). Many victims lived in areas where there was no notary public available to validate their documents. Many victims chose not to seek police assistance because of police demands for bribes or a lack of confidence that the police would help.

Under the Penal Process Code, only persons caught in the act of committing a crime can be held in detention; however, this provision was seldom enforced. Under the law, the maximum length of investigative detention is 48 hours, during which a detainee has the right to judicial authorities review of the case, after which the detainee can be detained up to another 60 days while the case is investigated by the PIC. In cases where a person is accused of a very serious crime carrying a sentence of more than 8 years, the detainee may be detained up to 84 days without being charged formally. If a court approves, such detainees may be held for two more periods of 84 days each without charge while the police complete the investigative process. The law provides that if the prescribed period for investigation has been completed, and no charges have been brought, the detainee must be released. However, MOJ officials noted that some police lacked adequate training and did not know how to charge a person properly. In many cases, the authorities either were unaware of regulations or ignored them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends.

Drug cases were subject to a special regime. The law specifies that the legal period of investigative detention in drug trafficking cases is 10 days. The same law authorizes a long period of investigation--up to 9 months--in cases involving drug smuggling, drug production and transfer, and criminal association.

The bail system remained poorly defined, and prisoners, their families, and NGOs continued to complain that police and prison officials demanded bribes to release prisoners.

There were several reports that police harassed and arbitrarily detained journalists (see Section 2.a.).

An interministerial review committee periodically reviewed the status of detainees throughout the country to prevent

unnecessary detentions. In 2002, ANASCOPRI reported that one minor was released as a result of this review committee.

The Constitution prohibits exile, and the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however the executive, and by extension the FRELIMO party, continued to dominate the judiciary, which was understaffed and managed by inadequately trained appointees. A LDH report released in August accused the judicial system of a lack of transparency and of not acting in compliance with the principles of promotion and protection of human rights.

Justice Mangaze presided over the Higher Judicial Magistrate's Council (CSMJ), which in 2002 initiated 22 disciplinary proceedings against 13 judges and 9 other law officers; similar disciplinary actions were being conducted during the year. A law allows for faster implementation of CSMJ decisions affecting judges who appeal charges of misconduct, thus removing them from the bench more swiftly. Bribe-taking, chronic absenteeism, unequal treatment, and deliberate delays and omissions in handling cases continued to be problems during the year. On November 12, the Anti-Corruption Unit (UAC) in the Attorney General's office released its first report, which noted 116 reports of allegedly corrupt acts during the year. However, the UAC was understaffed, and by year's end, only three persons had been brought to trial, and there were no convictions.

The President appoints the president and vice president of the highest tribunal, the Supreme Court. Supreme Court nominations initially are prepared by CSMJ, the body responsible for overseeing professional behavior among magistrates, then a list of qualified persons for the Supreme Court is submitted to the President. CSMJ members are elected by their peers: four are elected by the National Assembly and two are appointed by the President; members tended to be either FRELIMO members or FRELIMO-affiliated. No National Assembly approval is needed for other judicial appointments, which are also appointed by the President.

There are two complementary formal justice systems: The civil/criminal system and the military system. The Supreme Court administers the civil/criminal system and the Ministry of National Defense administers the military courts. Civilians are not under the jurisdiction of, or tried in, military courts. The Supreme Court also hears appeals, including military cases. Below the Supreme Court there are provincial and district courts. There also are courts that exercise limited, specialized jurisdiction, such as the administrative court, the customs court, and the maritime court. A Constitutional Council, created in November, was charged with determining the constitutionality of laws and decrees, supervising the electoral process, declaring and validating electoral results, and ruling on electoral disputes. Persons 16 years and younger fall under the jurisdiction of a court system for minors, and the Government can send minors to correctional, educational, or other institutions. As with the provincial and district courts, the specialized and minor court systems were ineffective due to a lack of qualified professionals.

Persons accused of crimes against the Government were tried publicly in regular civilian courts under standard criminal judicial procedures. A judge may order a closed trial because of national security interests or to protect the privacy of the plaintiff in cases concerning sexual assault. The Supreme Court has original jurisdiction over members of Parliament and other persons who are immune from trial in the lower courts.

In regular courts, all accused persons in principle are presumed innocent and have the right to legal counsel and appeal; however, authorities did not always respect these rights. Although the law specifically provides for public defenders, such assistance generally was not available in practice, particularly in rural areas, and most citizens were unaware of these rights and did not possess the means to obtain any form of legal counsel. Some NGOs continued to offer limited legal counsel at little or no cost to both defendants and prisoners.

A lack of licensed attorneys exacerbated the judicial system's weakness. There were an estimated 260 licensed attorneys in the country; the vast majority worked in Maputo. Many attorneys work in areas outside their specialty. There continued to be a shortage of qualified judicial personnel, with only 163 judges nationwide. There are appeals courts in all provinces, but few of these courts were staffed by formally trained judges, despite the fact that the law requires a law degree. Some districts had no formal courts or judges at all.

DANIDA, a Danish NGO, worked with the Ministry of Justice and the Supreme Court on judicial legislation, as well as funding physical rehabilitation of courts throughout the provinces.

Outside the formal court system, a number of local customary courts and traditional authorities adjudicated matters such as estate and divorce cases. These courts were staffed by respected local arbiters who had no formal training

but who exercised a substantial judicial and executive role, particularly in the area of arbitration.

There were no confirmed reports of political prisoners; however, RENAMO continued to claim that all persons held in connection with the 2000 nationwide demonstrations were political prisoners, and continued to consider those convicted and sentenced also to be political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. By law, police need a warrant to enter homes and businesses.

Opposition political groups continued to claim that government intelligence agencies monitored telephone calls, conducted surveillance of their offices, followed the movements of opposition members, used informants, and attempted to disrupt party activities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, police detained journalists during the year. Limitations on these rights were permitted if they related to the media's obligations to respect the Constitution, human dignity, the imperatives of foreign policy, or national defense.

There were five independent weekly newspapers published in Maputo and six other independent weekly journals published in provincial capitals. According to the Panos Institute, the weekly newspapers had a combined total circulation of 50,910 in 2002. There were an additional 20 periodicals with a combined circulation of approximately 34,000. There were 6 periodicals that transmitted daily editions electronically, with a combined subscription of more than 1,500. The second oldest faxed daily, *Imparcial*, was owned by RENAMO. Several independent media had websites. Only a small minority of the population received news directly through the print media.

The daily newspapers *Noticias* and *Diario de Mocambique*, and the weekly newspaper *Domingo*, largely reflected the views of the ruling party, but these media sources also carried significant criticism of government actions. For example, in November, the pro-government newspaper *Domingo* criticized the Government's National Institute of Social Security for failure to pay pensions and lack of transparency.

While the Government no longer owned most radio and television stations, government stations were the only broadcasters capable of countrywide transmission; however, there were local and independent broadcasts in most urban areas. Government media continued to show greater transparency in reporting and some independence of editorial content. Radio Mozambique, the public's most important source of information, was government-owned; however, its news coverage generally was considered unbiased and fair. For example, Radio Mozambique carried live the proceedings of the trial of the alleged killers of journalist Carlos Cardoso despite the negative implications of the trial on senior government officials. Radio Mozambique received the largest single subsidy from the state budget of any public media company. It broadcast in Portuguese and 18 indigenous languages; its external service broadcast in English as well as in Portuguese for citizens in neighboring South Africa. Radio Mozambique regularly broadcast public debates that included a variety of participants with differing opinions.

In addition to Radio Mozambique, there were 14 community-based, 4 religious, and 11 commercial private radio stations, most of which used local languages in addition to Portuguese and which covered most of the country. One station, Radio Terra Verde (RTV), was linked directly to RENAMO. Foreign radio programs, including the British Broadcasting Corporation (BBC), Radio France International (RFI), Radio Diffusao Portugal (RDP) Africa, and the Voice Of America (VOA), reached all major population centers and reported local news via local part-time reporters; the BBC and the RFI carried news in Portuguese but broadcast most of the day in English and French, respectively.

TV Mozambique (TVM) continued to demonstrate strong bias towards the Government; however, TVM also carried the proceedings of the trial of the alleged killers of journalist Carlos Cardoso. Portuguese Television for Africa (RTP Africa), a station owned by the Government of Portugal, also transmitted throughout the country. Privately owned television transmission continued to be limited to Maputo. International television news was available via cable in Maputo and via satellite nationwide.

While criticism of the President was not prohibited, the law provides that in cases of defamation against the President, truth is not a sufficient defense. This law was not tested in court and the provision was not invoked, despite considerable verbal and written criticism of the President during the year.

Following pressure from domestic and foreign NGOs during the year, libel charges were dropped against the fax newsheet Metical.

Police harassed and arbitrarily detained journalists during the year. For example, on July 23, police detained for 1 day Jose Chitula, a journalist from Imparcial, for allegedly addressing himself improperly to a senior FRELIMO official during a press conference. The FRELIMO official later withdrew the case.

On April 23, another journalist, Amin Nordine, writing for Vertical, was detained for 6 days in the central Mozambican city of Beira. A police patrol demanded that he produce his identity card, which he was not carrying with him. An argument ensued in which Nordine allegedly insulted the police. Nordine was formally accused of insulting the police, tried, and fined \$185 (4.4 million meticaïs).

In January, RENAMO members in Montepuez, in the northern province of Cabo Delgado, briefly detained a journalist on suspicion of spying for FRELIMO; the journalist was researching details of RENAMO's electoral campaign.

On January 31, six men were sentenced to prison terms ranging from 23 to 28 years for the 2000 execution-style shooting of Carlos Cardoso, an investigative journalist who was the founder and editor of the news fax agency Metical. In early 2002, the Government detained seven individuals in connection with the case. One detainee was released without charge after being held for 10 months; both the Government and the family agreed that he had nothing to do with the crime. Although the trial was held on the grounds of the maximum security prison, it was open to the public and broadcast on both radio and television. The defendants claimed to have committed the killings on the orders of co-defendant Momad Assif Satar who, in turn, alleged he was acting on behalf of Nyimpine Chissano, the son of President Chissano. On September 29, seven prison guards accused of facilitating the escape of Anibalzinho were acquitted.

There was no new development, nor was any likely, in the following 2001 cases: the beating of journalist Rui de Carvalho, the anonymous death threat against Radio Mozambique journalist Jose Joao, or the theft from Fabio Mondlane.

The media reported freely on the November municipal elections, and for the first time, vote counting was open to journalists. However, there were reports that government-owned media were biased in favor of FRELIMO in their campaign coverage. The opposition also complained that government-owned media broadcast more quickly the results from municipalities won by the FRELIMO.

The Government did not limit access to the Internet, and 10 Internet service providers operated during the year.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, authorities forcibly dispersed several demonstrations during the year. The law regulates public demonstrations but does not apply to private gatherings held indoors and by individual invitation, nor does it affect religious gatherings or election campaigning.

Organizers were required to inform district administrators of planned demonstrations rather than seek approval in advance from police and civil authorities. Local authorities may prohibit a demonstration from taking place only if it was likely to involve the occupation of public or private buildings. The law prohibited the use of excessive force by the police to control or disrupt demonstrations; however, the Government used excessive force to disperse several demonstrations during the year.

On May 13, Noticias reported that police shot in the air and used excessive force to disperse students at the Matola Secondary School; the students were holding a peaceful demonstration to demand better relations with school management and to protest the school's lack of teachers and equipment, such as desks.

In May, citizens who had worked in the former East Germany (known as Madjermanes) began Friday

demonstrations to protest the Government's refusal to pay their pensions (see Section 6.e.). On July 4, police dispersed a group of Madjermans who were preparing for their Friday march; seven were injured. The authorities had imposed a restriction on circulation on main streets of Maputo during the African Union summit.

On September 5, police officer Albitro Curva killed Virgilio Amade, a Madjermane, during a demonstration; another Madjermane was injured by a police dog. The police initiated an inquiry into the shooting, and Curva was arrested and awaiting trial at year's end. Following the shooting, the police and leaders for the Madjermane signed an agreement to regulate future demonstrations.

Despite the agreement, police cracked down on Madjermane marches during the November electoral campaign, accused participants of tearing down FRELIMO electoral posters, and arrested Madjermane leader Alberto Mahuai, who was detained and interrogated for 3 days. No marches have been held since November.

The law provides for freedom of association; however, both the Government and the law imposed some limits on this right. A political party is required to demonstrate that it has no regional, racial, ethnic, or religious exclusiveness and must secure at least 2,000 signatures of citizens to be recognized (see Section 2.c.). There are 35 registered political parties.

A government decree regulates the registration and activities of foreign NGOs. The Government requires nonpolitical groups such as NGOs and religious organizations to register. Foreign NGOs must register their presence and scope of work with the Ministry of Foreign Affairs and Cooperation; the Ministry then issues permits to those NGOs whose programs the Government decided complement its priorities. Observers believed that the requirements increased the already lengthy bureaucratic process that NGOs must follow to work in the country. Although the registration process was not always transparent and could take many months, the authorities rarely rejected applications from new associations.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The law requires religious institutions and missionary organizations to register with the Ministry of Justice, reveal their principal source of funds, and provide the names of at least 500 followers in good standing. The Christian Council reported that not all religious groups registered, but that unregistered groups worshiped unhindered by the Government.

The law governing political parties specifically forbids religious parties from organizing, and any party from sponsoring religious propaganda. The Independent Party of Mozambique (PIMO), a predominantly Muslim group without representation in Parliament, took positions based on religious principles, advocated moral behavior, and criticized the government for corruption. The Government has thus far tolerated PIMO's activities, and PIMO remained a minor political party.

Most places of worship nationalized by the Government have been returned to the respective religious organizations; however, the Catholic Church and certain Muslim communities complained that some other properties such as schools, health centers, and residences unjustly remained in state hands and continued to request their return. The Directorate for Religious Affairs is mandated to address the issue of the return of church properties. Government sources stated that the majority of properties were returned, with a few cases still being examined on an individual basis, including two cases in Maputo that remained unresolved by year's end. The return of properties such as schools and health clinics was often delayed because of the Government's need to construct new facilities.

Provincial governments have the final responsibility for establishing a process for property restoration. Papal Nunciatura has indicated that properties generally have been returned in poor condition, due to lack of government resources.

For a more detailed discussion, see the [2003 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27740pf.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, at times the Government infringed upon these rights.

Police traffic checkpoints established for safety or security concerns occasionally affected freedom of movement. To reduce harassment and confiscation of travelers' possessions at the borders, customs supervisors levied disciplinary fines and fired abusive customs agents. In large cities, the police often stopped foreign pedestrians and ordered them to present original passports or resident papers, sometimes refused to accept notarized copies, and fined or detained those who failed to show proper documents (most persons do not carry the originals of documents due to the risk of theft). Police also detained local citizens routinely for failure to carry identity papers and extorted bribes (see Section 1.d.).

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provides protection against refoulement and grants refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and offered asylum to refugees, the vast majority of whom came from central Africa. The Government has not granted official refugee status or work authorizations to many refugees who have arrived in recent years, which has impeded that ability of such refugees to integrate and move freely in the country. In 2001, a refugee center (known as Marratane) opened near the northern provincial capital of Nampula; during the first 6 months of the year, the UNHCR, the International Organization on Migration (IOM), and the government's refugee agency (NAR) oversaw the successful transfer of refugees residing in the existing Bobole transit center (located near Maputo) to the new camp in Nampula. Bobole camp was closed following the transfer.

As of December, the estimated population of refugees at Marratane camp was 3,800 persons, of whom approximately two-thirds were men. During the first several months of the year, UNHCR reported an increase in newly arrived refugees, primarily from the Great Lakes region. There were 16 nationalities represented at the camp, with the largest percentage of refugees from the Democratic Republic of the Congo, Burundi, and Rwanda. Refugee camp conditions met minimal standards, although some refugees claimed to fear attack by fellow refugees on the basis of ethnicity. Conflicts among rival Congolese groups and between Rwandans and Congolese were reported by the Camp Committee during the year; these conflicts were resolved peaceably.

On December 11, the Government, UNHCR, and the Government of Rwanda signed a tripartite agreement that would allow for the voluntarily repatriation of the approximately 1,000 Rwandan refugees in the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and in 1999 citizens freely exercised their right to vote in the country's second multiparty general elections, which international observers considered to be generally free and fair. The elections were marred by allegations of vote-counting irregularities; however, international observers determined that this did not impact the results. President Chissano was returned to office with approximately 52 percent of the vote, and the ruling FRELIMO party won 133 of the 250 National Assembly seats. The largest opposition group, RENAMO-UE, won 117 seats and 48 percent of the presidential vote. In 2000, the President appointed a new Cabinet, the new National Assembly took its oath of office, and the President announced new provincial governors. All ministers and governors, and most vice ministers, are FRELIMO members.

In the November 19 municipal elections, FRELIMO won 28 and RENAMO 5 of the country's 33 municipalities. Observers characterized the elections as generally free and fair; however, voter turnout was low throughout the country. Smaller parties participated in the elections, but received few votes.

In June and July, the country updated its voter's registry in preparation for the November municipal elections. There were 15 political parties, coalitions, and civic organizations that successfully submitted their candidature to the National Electoral Commission; however, some minor parties complained that they were unable to submit candidature because authorities did not issue them the requisite certificate of residence and criminal record.

There were 102 women in the 250-member National Assembly, and women held 3 of the 23 ministerial positions and 5 of the 18 vice ministerial positions in the Cabinet. FRELIMO's policy mandated that at least 30 percent of the party's two governing bodies must be women. During the year, the Political Commission and Central Committee fulfilled this mandate. Nevertheless, cultural factors inhibited women's effectiveness in public life (see Section 5).

Representatives of minority ethnic groups, such as the Shangaan and Mokonde, held a number of key positions in both the legislative and executive branches. Leadership positions within FRELIMO traditionally have been dominated by the Shangaan ethnic group, while those in RENAMO traditionally have been dominated by the Ndaue ethnic group.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases; however, registration procedures for NGOs were onerous and expensive (see Section 2.b.). While the Government did cooperate with NGOs, many NGOs believed that the Government was slow to respond to their requests. The Government responded to human rights-related inquiries from the LDH and the DHD on a case-by-case basis.

In August, LDH published a report on human rights in the country. The report gave particular emphasis to problems in the judiciary, conditions in prisons, arbitrary arrest and detention of citizens, and violence against women.

The Government cooperated with UNHCR and other international NGOs in the relocation of refugees during the year (see Section 2.d.).

During the year, members of the National Assembly's Legal Affairs Committee visited Maputo's top security jail, reported a number of violations, and called for government intervention (see Section 1.c.). The LDH also visited prisons during the year.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution forbids discrimination based on race, sex, or disability; however, in practice, discrimination against women and persons with disabilities persisted. Persons with HIV/AIDS were often fired from their jobs or rejected by their families, according to the Special Rapporteur of the Commission on Human Rights, who visited the country during the year.

Women

Although official statistics were not kept, reports indicated that domestic violence against women--particularly spousal rape and beating--was widespread. Many women believed that their spouses had the right to beat them, and cultural pressures discouraged women from taking legal action against abusive spouses. Hospitals usually did not attribute evidence of physical abuse to domestic violence. There is no law that defines domestic violence as a crime; however, laws prohibiting rape, battery, and assault can be used to prosecute domestic violence. The NGO All Against Violence (TCV), which registered 620 cases of domestic violence during the year, noted that many women did not report such cases due to fear of retaliation by their husbands or inaction by the police. A group of women's NGOs continued to lobby members of the National Assembly during the year to criminalize domestic violence.

The organization TCV serves as a monitoring and educational group for problems of domestic violence and sexual abuse of women and children, including counseling of victims and mediating within families. The organization continued to expand during the year. All NGOs actively opposing domestic violence worked to involve police in education, enforcement, and identifying domestic violence as a criminal problem. For example, during the year, TCV opened offices in 14 police stations to assist victims of domestic violence.

Local NGOs reported that rape was a widespread and serious problem. Sexual harassment was regarded as pervasive in business, government, and education, although no formal data existed.

Prostitution is illegal; however, the practice was widespread and particularly prevalent along major transportation corridors and border towns where long-distance truckers stayed overnight. Young women with unemployed parents were at the greatest risk for being drawn into prostitution. There were reports that police officers abused prostitutes sexually and demanded money in exchange for allowing them to work. Such cases were rarely reported in the media.

Numerous development organizations and health-oriented NGOs emphasized programs to improve women's health and increasingly focused resources on combating the spread of HIV/AIDS and sexually transmitted diseases.

On December 9, the National Assembly passed a new Family Law, which replaces the colonial-era Civic Code and brings the law in line with equality provisions in the Constitution. The new law raises the marriage age to 18 for

both sexes, eliminates husbands' de facto status as heads of families, and legalizes civil, religious, and common law unions. The law does not legally recognize polygyny; however, women in polygamous marriages are granted full marital and inheritance rights.

Customary law varied within the country. In some places, it appeared to provide women less protection than family law, and unless a marriage is registered, a woman has no recourse to the judicial branch for enforcement of the rights provided her by the civil codes. Women were the primary cultivators of family land in the country; however, under customary law, they often have no rights to the disposition of the land. The law specifically permits women to exercise rights over community land held through customary rights. Anecdotal evidence indicated that the land law had only a minimal effect on women's rights; the law appeared to formalize existing practice.

The Constitution grants citizenship to the foreign-born wife of a male citizen, but not to the foreign-born husband of a female citizen.

Women continued to experience economic discrimination in practice. Women constituted slightly more than half the population but were responsible for two-thirds of economic production. Women in the workplace received lower pay than men for the same work. According to parliamentarians who debated the proposed revision of the law, women were subject to sexual harassment and to discrimination in hiring because of potential absences on maternity leave; although the Labor Law entitles a woman to 60 days of maternity leave, employers often violated this right.

Children

The Government has made children's rights and welfare a priority, but significant problems remained. In September, the Government, in consultation with civil society, launched a program to enhance the country's child protection policies. With the assistance of the Community Development Foundation (FDC) and the U.N. Children's Fund (UNICEF), the Government began a legal review of children's rights during the year.

Although the Government provides tuition-free primary education, a matriculation fee was charged for each child, which was a significant financial burden for many families. However, children with a certificate that testifies that the parents are below a certain poverty level do not pay any matriculation fees. Primary education was compulsory through the fifth year; however, there were few educational facilities, which limited enrollment. A few primary schools opened during the year throughout the country; however, schools were overcrowded, and there was widespread corruption in the school system. Newspapers frequently reported that the parents of school children had to bribe teachers or officials to enroll their children in school, and that girls exchanged, or were forced to exchange, sex with teachers for passing grades. Approximately 50 percent of children ages 6 through 10 were in primary school; however, only a fraction of children continued with secondary studies.

Girls continued to have less access to education than boys. UNESCO reported that during 2000-2001, girls comprised 34 percent of the students who enrolled in primary school and 39 percent in secondary schools.

An NGO, the Association to Support Mozambican Children (ASEM), operated 2 alternative-learning centers in Beira for more than 900 children who were not able to return to their regular schools after being expelled from their homes or because they had left school to work.

During the year, the Government took steps to address the problems of the approximately 500,000 children orphaned by HIV/AIDS in the country. From November 24 to 28, the Ministry of Women and Social Action held the country's first seminar to coordinate efforts to obtain accurate data and provide social services to children orphaned by HIV/AIDS.

It was estimated that 55 percent of child deaths in the country resulted from malnutrition or related illnesses. During the year, the Government continued a vaccine initiative and a program to manage childhood illnesses.

During the year, the Ministry of Women and Social Action and other agencies worked together with UNICEF to develop a plan to increase the number of registered births; the majority of children in the country were not formally registered, which limited their potential access to education and health care.

The Government continued to target maternal and child health problems and focused on immunizations for women of childbearing age and for young children. In 2002, the estimated maternal mortality rate was 1,100 per 100,000, a significant improvement over 2001. The mortality rate for infants was 126 per 1,000, and for children under the age of 5 it was 201 per 1,000.

The number of street children in the Maputo metropolitan area was reduced from an estimated 3,000 in 2001 to approximately 400 in 2002, due largely to the work of approximately 10 NGOs. Police sometimes beat street children who were frequently also victims of sexual abuse. Some remedial government programs continued, including programs on education, information dissemination, health care, and family reunification.

The Maputo City Women and Social Action Coordination Office continued its program of rescuing abandoned orphans and assisting single mothers who head families of three or more persons. They also offered special classes to children of broken homes in local schools. Other NGO groups sponsored food, shelter, and education programs in all major cities. ASEM, in Beira, also provided counseling to parents who had expelled children from their homes, which usually happened when a wife has children who were unacceptable to a new husband.

The trafficking of children for sexual exploitation remained a problem (see Section 6.f.).

The law does not provide specifically an age of sexual consent; however, offering or procuring of prostitution and pornography of any form, including that of children, were illegal under the Penal Code. Sexual abuse of a child under 16 also was illegal under the Penal Code. Exploitation of children below the age of 15 continued, and child prostitution remained a problem. Persons engaged in child prostitution, use of children for illicit activities, child pornography, child trafficking, or forced or bonded labor may be punished by prison sentences and fines; however, perpetrators of these crimes rarely were identified and prosecuted. Punishments for such crimes were not commensurate with that of a serious crime.

Child prostitution appeared to be most prevalent in Maputo, Nampula and Beira, and at border towns and overnight stopping points along key transportation routes. Child prostitution reportedly was growing in the Maputo, Beira, and Nacala areas, which have highly mobile populations and a large number of transport workers.

The law prohibits the access of minors to bars and clubs; however, the Government did not have adequate resources to enforce the law effectively. During the year, the Government trained police to aid child prostitutes and held a series of seminars to assist police in handling cases of child sexual abuse. Centers to accommodate child prostitutes when they were removed from danger, and the government information centers that provided information to families and friends of children who were raped or exploited, no longer operated.

Child labor remained a problem (see Sections 6.d.).

Persons with Disabilities

The Constitution states that disabled citizens shall enjoy fully the same rights that it provides for all citizens; however, the Government provided few resources to implement this provision. Representatives of disabled groups and injured veterans frequently protested that societal discrimination continues against persons with disabilities. Approximately 1.9 percent of citizens have physical or mental disabilities.

Concerns of persons with disabilities included access to socioeconomic opportunities and employment, accessibility to buildings and transportation, and a lack of wheelchairs. The only provisions that the Government has enacted for accessibility to buildings and transportation for persons with disabilities were in the electoral law governing the country's first multiparty elections, which addressed the needs of voters with disabilities in the polling booths. Special access facilities were rare. In December 2002, a well-known citizen with disabilities, Zeca Morgado, who is a Deputy in the National Assembly, complained during celebrations of Disabled Day about the lack of full observance of the rights of persons with disabilities by both public and private institutions. Morgado accused the police of not properly acknowledging or dealing appropriately with persons with disabilities.

The Government only provided four schools nationwide for the hearing and vision impaired and for persons with physical and mental disabilities. There were few job opportunities for persons with disabilities in the formal sector, although the 1997 census reported that 55 percent of such persons worked or held a job. The Government operated mental health facilities; however, conditions were extremely poor.

In 2002, social workers found that some parents of children with disabilities in several districts, including the towns of Gorongosa and Dondo, did not permit their children to leave their homes. Provincial officials from the Ministry of Women and Coordination of Social Action continued their educational campaign to reverse traditional attitudes toward children with disabilities.

The Government continued to rely on NGOs to assist persons with disabilities. The Association of Disabled Mozambicans (ADEMO) addressed social and economic needs of persons with disabilities. During the year, the

internal conflicts that hindered ADEMO's effectiveness were resolved.

National/Racial/Ethnic Minorities

There was no systematic mistreatment or discrimination on the basis of race or ethnicity; however, the FRELIMO Government traditionally has included at all levels a large number of southerners, mostly from the Shangaan ethnic group, which has engendered complaints from residents of other parts of the country. There also were complaints that the Government favored economic development in the southern part of the country over other areas. The Government has taken several steps to address such concerns: The central and northern provinces were included in the Government's 5-year development plan, economic and social plan, poverty alleviation strategy, and investment incentive program, and the President, Prime Minister, and Cabinet members continued to spend a significant amount of time in the provinces during the year. The executive, judicial, and legislative branches included officials from central and northern parts of the country in senior positions.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides that all workers are free to join or refrain from joining a trade union, and workers enjoyed these rights in practice. The revised Labor Law regulated labor relations. Membership among the country's 13 unions was less than 200,000, or less than 1 percent of the workforce, and was concentrated in Maputo and a few other urban areas. Labor unions remained weak and lacked resources.

Trade unions remained concerned that large-scale layoffs due to privatization and free trade zones authorized under the 1999 revised law would result in less favorable labor rights due to government incentives offered to foreign investors.

There were two trade union federations in the country: The Organization of Mozambican Workers (OTM), which had been formally affiliated with the FRELIMO party, and the Confederation of Free and Independent Unions of Mozambique (CONSILMO), which was formed by three unions that broke away from the OTM. In 2002, CONSILMO was permitted to participate in national negotiations on the minimum wage with the Consultative Labor Commission, a body including representatives from labor, private employers, and the Government. CONSILMO maintained a working relationship with the OTM, and includes the powerful 28,000-member Union of Industrial Construction Workers of Mozambique (SINTICIM) construction trades union. The Public Servants Union (SFP) had an estimated 100,000 civil servants, making this potentially the largest union in the country.

The OTM has declared itself free of commitments to any political party, companies, or religious groups, and its regulations prohibited persons holding high ranks within any political party from simultaneously holding top positions in the trade union; however, other labor unions maintained that the OTM is not independent of FRELIMO. In 2002, the Government named Soares Nhaca, a former OTM President, as the Governor of Manica Province.

The law expressly prohibits discrimination against organized labor.

The Constitution and labor legislation give unions the right to join and participate in international bodies. The OTM was a member of the Organization of African Trade Union Unity and the Southern African Trade Union Coordinating Council.

b. The Right to Organize and Bargain Collectively

The law protects the right of workers to organize and engage in collective bargaining. The Government did not set private sector salaries; existing unions were responsible for negotiating wage increases. The Consultative Commission on Labor met periodically to negotiate changes in the minimum wage. The Center for Arbitration, Conciliation, and Mediation helps settle business-to-business problems through binding arbitration.

The Constitution explicitly provides for the right to strike, with the exception of civil servants, police, military personnel, and other essential services (which include sanitation, fire fighting, air traffic control, health care, water, electricity, fuel, post office, telecommunications, and funeral services). The ILO has cited the Government's definition of essential services as overly broad, taking the position that only public servants engaged in the administration of the Government should be excluded. The law specifies that strikers must notify police, the Government, union, and employers 48 hours in advance of intended strikes. Provisions of the Labor Law forbid

retribution against strikers, the hiring of substitute workers, and lockouts by employers. Specific labor disputes generally were arbitrated through special workers' committees, formally recognized by the Government.

During the year, there were a number of strikes and demonstrations. On May 9, construction workers employed by Group Five/CMC, responsible for the construction of a natural gas treatment center in Temane, Inhambane province, demanded payment of a completion bonus, since the construction was nearly finished. This led to a confrontation with police, and police shot and killed 1 worker; 21 other workers were injured. In the negotiations that followed between management and workers, it was agreed that a completion bonus of \$8.00 (200,000 meticaís) per month would be paid in a lump sum at the end of each contract.

In June, approximately 300 local workers for the Chinese construction company AFECC went on strike to demand a formal work contract and improved working conditions, including the provision of meals and a reduction in work hours. The Chinese Technical Team (ETC), speaking on behalf of AFECC, called the strike illegal. However, there were no lay-offs as a result of the strike and the company began to provide meals. In August, local workers at the Cahora Basa Hydroelectric company (HCB) in Tete province, embarked on a strike over demands for equal pay and benefits between citizens and foreign employees. HCB did not agree to the demands; however, there were no lay-offs as a result of the strike, and employees continued working.

The law provides for the creation of export processing zones (EPZs), and the Government was authorized to confer EPZ benefits to any export-oriented company that met the criteria. There are EPZs in Maputo and in Beira. Workers in EPZs were subject to the same labor regulations as other workers, and worker rights were generally respected in practice.

c. Prohibition of Forced or Bonded Labor

The Government prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred in the formal economy; however, children in rural areas were used as labor to settle financial and other disputes, with their families delegating the children to work for limited periods of time to settle debts (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Law regulated child labor; however, child labor remained a problem. In the wage economy, the minimum working age without restrictions is 18 years of age. The Labor Law permits children between the ages of 15 and 18 to work subject to certain restrictions. Children between the ages of 12 and 15 are permitted to work under special conditions authorized jointly by the Ministries of Labor, Health, and Education. For children between 15 and 18 years of age, the employer is required to provide for their education and professional training and to ensure conditions of work that are not damaging to their physical and moral development. For minors under 18 years, the maximum workweek is 38 hours, and the maximum workday is 7 hours. Minors under 18 years of age are not permitted to work in unhealthy or dangerous occupations or those requiring significant physical effort. Children must undergo a medical examination before beginning work. By law, children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher.

Because of high adult unemployment in the formal sector, estimated at around 50 percent, few children were employed in regular wage positions; however, children, including those under the age of 15, commonly worked on family farms; independently in seasonal harvests or commercial plantations, where they were paid, on a piecework basis for such work, which principally involved picking cotton or tea leaves; or in the urban informal sector, where they performed such tasks as guarding cars, collecting scrap metal, working as vendors, and selling trinkets and food in the streets. Regulations were not enforced in the informal labor sector. Children also were employed as poorly paid domestic laborers and the number appeared to be increasing.

Children orphaned by HIV/AIDS often were forced to work because they were left without any adult family members or with only extended family members who were unable to support them.

On April 17, the Government ratified ILO Convention 182 on the Worst Forms of Child Labor.

Forced child labor was a problem.

The Ministry of Labor is authorized to regulate child labor in both the informal and formal sectors. Labor inspectors were authorized to obtain court orders and use police to enforce compliance with child labor provisions and violations of child labor provisions were punishable with fines. Enforcement remedies generally were adequate in

the formal sectors but remained inadequate in the regulation of informal child labor. The Labor Inspectorate and police force lacked adequate staff, funds, and training to investigate child labor cases, especially in areas outside of the capital. The Government provided training for police on child prostitution and abuse (including pornography); however, there was no specialized child labor training for the Labor Inspectorate. The Government has disseminated information and provided education about the dangers of child labor.

e. Acceptable Conditions of Work

The minimum industrial wage was approximately \$41 (982,717 meticaïs) per month and the minimum agricultural wage was \$30 (719,061 meticaïs) per month. On April 15, the Government approved a 21 percent increase in the industrial minimum wage and a 25 percent increase in the agricultural minimum wage, although not all workers may have received the full increase. Common working wages in Maputo were higher than in the rest of the country, averaging approximately \$50 a month. The industrial and agricultural minimum wages were set by ministerial decree, although the level was recommended through an administrative process that consisted of a tripartite commission composed of labor unions, government representatives, and employer groups. Neither minimum wage was considered sufficient to provide a decent standard of living for an average worker and family, and many workers turned to a second job, if available; maintained their own gardens; or depended on the income of other family members to survive. Only a small percentage of laborers worked at the minimum wage level. Less than 10 percent of workers were in salaried positions, and the majority of the labor force was employed in subsistence farming and the informal sector. Although the industrial sector frequently paid above minimum wage, there was little industry outside of the Maputo area.

The Ministry of Labor was responsible for enforcing the minimum wage rates in the private sector, and the Ministry of Planning and Finance in the public sector. Violations of minimum wage rates usually were investigated only after workers registered a complaint. It was customary for workers to receive benefits such as transportation and food in addition to wages. The standard legal workweek is 40 hours.

The law requires workers or employers to participate in a social security scheme, although they voluntarily may create and contribute to private accounts or plans with the National Institute of Social Security to cover retirement, unemployment compensation, and emergency benefits. Worker complaints about employers deducting social security contributions from wages but failing to pay them into accounts and lack of access to the Social Security system continued during the year.

During the year, the Government continued to fail to adequately reimburse Madjermanes who had previously worked in East Germany but whose pensions were embezzled. Hundreds of persons who had worked in East Germany held demonstrations throughout the year (see Section 2.b.).

In the small formal sector, the Government has enacted health and environmental laws to protect workers; however, the Ministry of Labor enforced these laws ineffectively, and the Government only occasionally closed firms for noncompliance. During the year, the Labor Ministry estimated that there were 165 industrial accidents during the year, of which 10 resulted in death. Most of these accidents were blamed on unsafe practices or the lack of safety equipment. There continued to be significant violations of labor legislation in many companies and services. Workers have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment; however, this right was restricted in practice by threats of dismissal and peer pressure. Foreign workers are protected under the law.

f. Trafficking in Persons

There are no specific laws that prohibit trafficking in persons; however, there were numerous reports of trafficking. Mozambique is a country of origin for international trafficked women and children. Poverty, a history of child migration, and weak border controls all contributed to trafficking. Trafficking in persons can be prosecuted under violations of labor, immigration, and child labor laws committed while trafficking. In 2002, there were seven cases in which exploiters were charged with indecent assault of a minor; penalties ranged from 2 to 8 years. In September, the Government, in coordination with several international NGOs, launched a program to enhance child protection laws, including the development of legislation covering areas such as child trafficking and labor (see Section 5).

On September 17, the daily paper Noticias reported that the police arrested two street vendors accused of trying to sell two children to a "witch-doctor" in the Maputo suburb of Magoanine. In the same article, it was reported that a Burundian citizen was arrested in Cuamba, in the northern province of Niassa, accused of abducting four young girls with the intent of trafficking them out of the country. Investigations into these and other suspected cases of child trafficking were ongoing at year's end.

In May, the International Organization for Migration (IOM) reported that approximately 1,000 Mozambican women and children were trafficked to South Africa every year. The report notes that victims include both sex workers and non-sex workers. Many of the women trafficked were sold to brothels in Johannesburg or sold as concubines or "wives" to mineworkers in South Africa. Boys were trafficked as laborers on South African farms. Victims came from both urban and rural backgrounds. Traffickers included small networks of citizens based in Maputo and Nampula, and there were reports that organized crime groups were involved.

During the year, the Government continued its Campaign Against Trafficking of Children, which included various anti-trafficking and public awareness programs. In addition, the Government established a pilot program during the year at three police stations to assist child victims of trafficking.